

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

LAURIE J. EMIGH,

Plaintiff,

vs.

UCSF MEDICAL CENTER,

Defendant.

Case No: C 12-06533 SBA

**ORDER ACCEPTING REPORT
AND RECOMMENDATION**

Docket 5

On March 6, 2013, magistrate judge Elizabeth Laporte ("the magistrate") issued a Report and Recommendation in which she recommends that this action be dismissed based on Plaintiff's failure to pay the filing fee or file an application to proceed in forma pauperis. Dkt. 5. The Report and Recommendation states that "[b]ecause all parties have not consented to this Court's jurisdiction pursuant to 28 U.S.C. § 636(c), the Court issues this Report and Recommendation and hereby reassigns the case to a district judge." *Id.* On March 7, 2013, this case was reassigned to the undersigned. Dkt. 6.

Any objections to the magistrate's Report and Recommendation were required to be filed within fourteen days of service thereof. Fed.R.Civ.P. 72(b)(2); 28 U.S.C. § 636(b)(1)(C). The district court must "make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made," and "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C).

The deadline to file an objection to the Report and Recommendation was March 20, 2013. *See* Fed.R.Civ.P. 6(a)(1); Fed.R.Civ.P. 72(b)(2); 28 U.S.C. § 636(b)(1)(C). To date, no objections have been filed. In the absence of a timely objection, the Court "need only

1 satisfy itself that there is no clear error on the face of the record in order to accept the
2 recommendation." Fed.R.Civ.P. 72, Advisory Committee Notes (1983) (citing Campbell v.
3 U.S. Dist. Court, 501 F.2d 196, 206 (9th Cir. 1974)); see also United States v. Reyna-Tapia,
4 328 F.3d 1114, 1121 (9th Cir. 2003) ("The statute [28 U.S.C. § 636(b)(1)(C)] makes it clear
5 that the district judge must review the magistrate judge's findings and recommendations de
6 novo *if [an] objection is made*, but not otherwise.") (en banc). The Court has reviewed the
7 record on its face and finds no clear error. Accordingly,

8 IT IS HEREBY ORDERED THAT the magistrate's Report and Recommendation
9 (Dkt. 5) is ACCEPTED and shall become the Order of this Court. This Order terminates
10 Docket 5. The Clerk shall close the file.

11 IT IS SO ORDERED.

12 Dated: 3/25/13


13 SAUNDRA BROWN ARMSTRONG
14 United States District Judge
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1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 LAURIE J EMIGH,

5
6 Plaintiff,

7 v.

8 UCSF MEDICAL CENTER et al,

9 Defendant.
10 _____/

11 Case Number: CV12-06533 SBA

12 **CERTIFICATE OF SERVICE**
13

14 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
15 Court, Northern District of California.

16 That on March 25, 2013, I SERVED a true and correct copy(ies) of the attached, by placing said
17 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
18 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
19 located in the Clerk's office.

20 Laurie J Emigh
21 572 - 37th Avenue
22 San Francisco, CA 94121

23 Dated: March 25, 2013

24 Richard W. Wieking, Clerk

25 By: Lisa Clark, Deputy Clerk
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